

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Confirmation No.: 8407

Cheng Chen Bong

Art Unit: 1724

S. N. 10748291

Examiner: HOPKINS, ROBERT A

Filed: December 31, 2003

For: RAPID CYCLE PRESSURE SWING ADSORPTION OXYGEN CONCENTRATION
METHOD AND MECHANICAL VALVE FOR THE SAME

PETITION TO REVIVE BASED ON UNINTENTIONAL ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A notice of abandonment was mailed in this application on May 25, 2006, for non-response to an office action.

Please withdraw the holding of abandonment and revive the application. The entire delay was unintentional.

Applicant had directed that the attorney of record at the time, Bruce Troxell, prepare and file a response. It appears now that no response was ever filed and applicant was unaware of this, and on learning that no response had been filed, applicant took steps to attempt to have the application revived by the attorney of record at that time.

The applicant had timely requested on February 27, 2006, through his Taiwan attorneys, Tai E International Patent & Law Office, that the attorney of record at the time, Bruce Troxell,

prepare and file a response to the office action, the attorney of record acknowledged receipt of the instructions, but it appears the attorney of record at the time did not file a response. [see exhibit A, copy of letter of February 27, 2006, requesting response be filed]. Mr. Troxell's office had acknowledged receipt of the instructions as shown by Exhibit B, which includes a FEB 27 2006 received stamp thereon, visible next to the MAR 01 2006 received stamp of Tai E International Patent & Law Office (the March 1 received stamp is the date that Tai E International Patent & Law Office received Mr. Troxell's acknowledgment of receipt of the instructions).

Applicant's Taiwan attorneys inquired with Mr. Troxell in August 18, 2008, as to the status of the application, and having no reply faxed a reminder marked URGENT! URGENT! [See exhibit C, copy of August 18, 2008 letter to Mr. Troxell, re-faxed August 27, 2008]. Having received no reply from Mr. Troxell, on August 28, 2008, applicant's Taiwan attorneys Faxed Mr. Troxell's office, noting that applicant's Taiwanese attorneys had learned through checking the USPTO web site on their own that the application was considered abandoned because no response had been filed [See Exhibit D]. Mr. Troxell's office acknowledged receipt of this inquiry, which is indicated by the Received AUG 28 2008 stamp on the Exhibit. Tai E International Patent & Law Office received Mr. Troxell's faxed back acknowledgment August 29, 2008.

Having no reply to the August 28, 2008, fax, other than the faxed back acknowledgment of receipt, applicant's Taiwan attorneys emailed Mr. Troxell on September 14, 2008, inquiring as to advice of how to rescue the application and on September 16, 2008, Mr. Troxell replied that they would investigate to determine what had occurred and report further as soon as possible. [see exhibit E, copy of email of September 16, 2008 (indicated as sent by Mr. Troxell's office on September 15, 2008)] However, no further report has been received from Mr. Troxell.

In absence of further reply from Mr. Troxell, on February 18, 2009, applicant's Taiwan attorneys, requested that the undersigned, James H. Walters, assist with preparation of this revival petition and indicated that Mr. Troxell's office had been requested to assist by providing copies of his files in relation to this matter [see attached EXHIBIT F]. The REDACTED portion of the letter in EXHIBIT F identifies an unrelated application and is REDACTED as being confidential information at this time.

On February 19, 2009, the undersigned prepared and faxed a letter to Mr. Troxell's office requesting copies of documents in his file so that we might understand the facts to begin preparation of the petition to revive. [EXHIBIT G]

The undersigned's FAX machine prints a fax transmission report indicating whether the fax transmission was successful. In this February 19, 2009, fax, the transmission was indicated to

be successful. A copy of the transmission report is attached.

[EXHIBIT H]

Having received no reply by March 4, 2009, the undersigned again faxed Mr. Troxell's office inquiring as to the status of obtaining information from the file. [EXHIBIT I] The fax did not successfully transmit, and after multiple attempts at re-transmitting the fax, the undersigned determined on March 6, 2009, that the fax telephone number of Mr. Troxell's office was no longer answering. The undersigned had successfully communicated with Mr. Troxell by telephone and fax in January 2009 in relation to a different application, but has been unable to contact Mr. Troxell or receive a reply to fax, mail, email and phone messages in this matter. The undersigned sent an email to Mr. Troxell March 6, 2009, [exhibit J] noting that we had been unable to successfully transmit a fax to his office and again asking for information from his file. To date no reply has been received to this email.

The undersigned also sent a letter by postal mail, priority mail with delivery confirmation, to Mr. Troxell's office, [Exhibit K], requesting reply and assistance to provide copies of his file in this matter. The delivery confirmation receipt form PS Form 152 is attached [Exhibit L], stamped by the Postal Service to show mailing on March 6, 2009. On Tuesday March 10, 2009, the undersigned received an email delivery status report from the U.S. Postal Service that the letter was undeliverable.

[See Exhibit M]. Subsequently on March 13, 2009, a further delivery status was received by email noting that the letter had been delivered to Annandale, Virginia, a different town than Mr. Troxell's Falls Church, Virginia address [See Exhibit N].

No reply has been received by the undersigned from Mr. Troxell's office or from Mr. Troxell in response to any of the above noted requests.

As of the date of this petition, Mr. Troxell's address as listed with the U.S. Patent and Trademark Office in the attorney and agent roster is Troxell Law Office PLLC, 5205 Leesburg Pike, Suite 1404, Falls Church, VA 22041, the address to which the delivery confirmation letter was mailed. His telephone number listed with the U.S. Patent and Trademark Office is (703) 575-2711. His fax number previously was (703) 575-2707, and the undersigned had successfully faxed documents to that number in January 2009. A print of the U.S. Patent and Trademark Office record of Mr. Troxell's address is attached. [EXHIBIT O]

Monday March 9, 2009, the undersigned telephoned Mr. Troxell's office at 1036am pacific time (136pm eastern time) and reached only voice mail. The voice mail message was a female voice stating "Thank you for calling Troxell Law Office. Please leave a message and someone will return your call as soon as possible." The undersigned left a message explaining the situation and indicating that there was some urgency, requesting

a return call as to the status of obtaining any information from Mr. Troxell's file.

Having received no reply, the undersigned again telephoned Mr. Troxell's office on March 10, 2009, at 1210pm pacific time (310pm eastern time), again reaching only voice mail, and again leaving a message explaining the reason for my call and request for information from Mr. Troxell's file to assist in preparing the petition to revive.

No response has ever been received to any of my requests for information.

The undersigned had previously successfully communicated with Mr. Troxell by fax at the address and phone number given above, in an unrelated case, and had also had email exchanges with Mr. Troxell. However, in this current application, no response has been received from Mr. Troxell in reply to our requests for assistance in obtaining copies of his file related to this application. The fax telephone number (703) 575-2707 no longer seems to answer.

Since no response has been received from Mr. Troxell, despite multiple attempts to request information, both by mail, email, phone and fax, we have concluded that we must proceed under the assumption that no assistance will be available from Mr. Troxell in regard to copies of his files or explanation of circumstances that might have resulted in the response not being timely filed.

A statement from applicant's Taiwan Attorneys, Tai E International Patent & Law Office in support of this petition is attached, setting forth the information relevant to their requests and communication and attempted communications with Mr. Troxell.

In view of the above information, it is respectfully requested that the application be revived, as applicant was proceeding on the reasonable assumption that the attorney, Mr. Troxell, was timely filing the response as requested.

A response in the form of a response to the Office Action of November 16, 2005, is also submitted herewith.

A power of attorney to the undersigned is also submitted herewith, along with an assignee showing of ownership per 37 CFR 3.73(b).

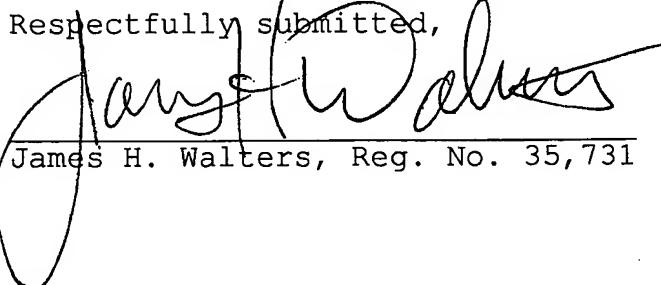
While it is believed that the required fees are submitted herewith, if any additional fees are needed for processing and grant of this petition, please charge deposit account 503036. If any refund is owned, please refund deposit account 503036.

Please contact James Walters, 503-224-0115, if you have any questions or need further information. Thank you.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

imprisonment, or both, under Section 1001 of Title 18 of the United States Code, that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

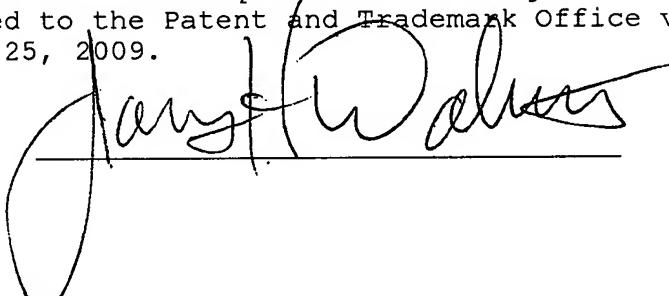
Respectfully submitted,


James H. Walters, Reg. No. 35,731

Customer number 802
patenttm.us
P.O. Box 82788
Portland, Oregon 97282-0788 US
(503) 224-0115
DOCKET: T-1759 (CFP-016680-1)

Certification of Electronic Transmission

I hereby certify that this correspondence is being electronically transmitted to the Patent and Trademark Office via the EFS system on this March 25, 2009.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Confirmation No.: 8407
Cheng Chen Bong Art Unit: 1724
S. N. 10748291 Examiner: HOPKINS, ROBERT A
Filed: December 31, 2003

For: RAPID CYCLE PRESSURE SWING ADSORPTION OXYGEN CONCENTRATION
METHOD AND MECHANICAL VALVE FOR THE SAME

STATEMENT BY TAI E INTERNATIONAL PATENT & LAW OFFICE IN SUPPORT
OF PETITION TO REVIVE BASED ON UNINTENTIONAL ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A notice of abandonment for failure to respond to office action was mailed in this application on May 25, 2006, for non-response to an office action.

It is requested that the holding of abandonment be withdrawn and that the application was revived.

We, Tai E International Patent & Law Office, are attorneys for the assignee of record in this application, and had requested that the attorney of record at the time, Bruce Troxell, prepare and file a response to the office action [see Exhibit A, copy of letter of February 27, 2006, requesting response be filed]. Mr. Troxell's office had acknowledged receipt of the instructions [see Exhibit B, a copy of the acknowledgment fax received in Tai E International Patent & Law Office on March 1, 2006, with a

received stamp showing receipt February 27, 2006, by Troxell Law Office]

Tai E International Patent & Law Office, on August 18, 2008, instructed Troxell Law Office to check with the U.S. Patent and Trademark Office as to when the next Office Action can be expected as to the status of the application, and having no reply faxed a reminder marked URGENT! URGENT! [EXHIBIT C, copy of August 18, 2008 letter to Mr. Troxell, re-faxed August 27, 2008]. August 28, 2008, we faxed Mr. Troxell's office, having learned through checking the USPTO web site that the application was considered abandoned because no response had been filed, and Troxell Law Office acknowledged receipt and faxed acknowledgment August 29, 2008 [See Exhibit D, copy of acknowledgment fax received in Tai E International Patent & Law Office].

Having no reply, we emailed Mr. Troxell on September 14, 2008, noting that we had learned that the application was abandoned by our own investigation and inquiring as to advice of how to rescue the application and on September 16, 2008, Mr. Troxell replied that they would investigate to determine what had occurred and report further as soon as possible. [see Exhibit E, copy of email of September 16, 2008]

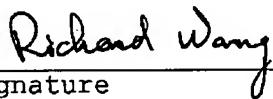
However, no further report has been received from Mr. Troxell or Troxell Law Office and in view of this, on February 18, 2009, we requested that James H. Walters of patenttm.us assist with revival of the application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Respectfully submitted,

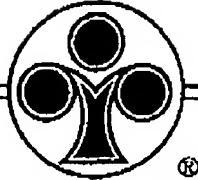
Tai E International Patent & Law Office

By:


Signature

Richard J. K. Wang, Chief of Patent Department
Printed Name & Title

March 25, 2009
Date



Tai E International Patent & Law Office

9F1., No. 112, Sec. 2, Chang-An E. Rd., Taipei 104, Taiwan, R.O.C.
P.O.Box 46-478 Taipei 104, Taiwan, R.O.C.
Tel:886-2-25061023, 25081531
Fax:886-2-25064319, 25076571, 25090804, 25068147
URL:<http://www.taie.com.tw> E-mail:86026@taie.com.tw

February 27, 2006

TROXELL LAW OFFICE PLLC
5205 LEESBURG PIKE
SUITE 1404
FALLS CHURCH, VIRGINIA 22041
U.S.A.

Re: Patent Application No. 10/748,291

Applicant: MERITS HEALTH PRODUCTS CO., LTD.

Title: RAPID CYCLE PRESSURE SWING ADSORPTION
OXYGEN CONCENTRATION METHOD AND MECHANICAL
VALVE FOR THE SAME

Your Ref: BHT-3215-64

Our Ref: CFP-014748

Dear Sirs,

Thank you for your letter of December 6, 2005 providing us the information about the referenced patent application.

Our client has decided to file a response against this Office Action and pay extension fee for one month. Therefore, a draft of the amendment to the specification and the claims and our comments in response to the Examiner's assertions are attached for your reference. Please use them as a guide to prepare and file a suitable response with the USPTO as soon as possible and do not incur any further extension fee. We would appreciate you sending us a copy of the response when you file it. Your prompt assistance with the matter will be greatly appreciated.

Should you have any questions concerning the referenced application, please do not hesitate to contact us.

With best regards,

Sincerely yours,

Tai E International
Patent & Law Office

ICL/jn

EXHIBIT A - page 1 of 10 ←

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cheng
Appl. No : 10/748,291
Filing Date : 12/31/03
Title : RAPID CYCLE PRESSURE SWING ADSORPTION
OXYGEN CONCENTRATION METHOD AND
MECHANICAL VALVE FOR THE SAME

Grp./A.U : 1724
Examiner : Spitzer, Robert H.

Docket No : BHT-3215-64

Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT

Sir,

Responsive to the Office Action mailed on November 16, 2005, please
amend the above-identified application as follows:

In the specification

Please amend the sentence on Page 1, lines 18 to 19 as follow:

Pressure swing adsorption (PSA) is a process for separating gasses gases from gas mixture, such as air.

Please amend the sentence on Page 1, lines 23 to 24 as follow:

For the separation of individual gasses gases in the air, the pressure conditions in the sieve tank should be controlled precisely.

Please amend the sentence on Page 5, lines 14 to 15 as follow:

The rotor motor (111) can be a stepping motor (also called stepper motor) and is mounted on the mounting bracket (11).

Please amend the sentence on Page 8, lines 5 to 7 as follow:

At this situation, the second molecular sieve bed (22) is now maintained in a so-called "desorption phase" that the molecular sieve material is revived to have a capability of trapping the nitrogen from from the air.

Please amend the sentence on Page 8, lines 14 to 18 as follow:

Since the pressure in the first molecular sieve bed (21) is much higher than the pressure in the second molecular sieve bed (22), a small amount of the purified oxygen in the first molecular sieve bed (221)(21) will simultaneously

~~direct be directed~~ into the second molecular sieve bed (22) to pressurize the same as the third valve (133) is opened.

Please amend the sentence on Page 9, line 22 to Page 10, line 1 as follow:

The nitrogen of the incoming compressed air is trapped by the molecular sieve material in the second molecular sieve bed (22) while the oxygen of the incoming compressed air is allowed to flow through as previously described.

Please amend the sentence on Page 10, lines 4 to 7 as follow:

Since the first molecular sieve bed (21) is communicated with the atmosphere, the pressure in the first molecular sieve bed (21) is going to be equalized with the atmospheric pressure that means the first molecular sieve bed (21) is changed to the ~~desorption~~ desorption phase.

Please amend the sentence on Page 10, lines 17 to 20 as follow:

The pressure conditions of the first molecular sieve bed (21) illustrated in Fig. 3 are initially maintained in the adsorption phase, but are switched to enter into the ~~desorption~~ desorption phase illustrated in Fig. 6.

Please amend the sentence on Page 10, lines 20 to 23 as follow:

Likewise, the pressure conditions of the second molecular sieve bed

(22) illustrated in Fig. 3 are initially maintained in the desorption phase, but are switched to enter the adsorption phase illustrated in Fig. 6.

Please amend the sentence on Page 10, line 23 to Page 11, line 1 as follow:

The alternate changes of the pressure conditions between the two molecular sieve beds (21, 22) cause the oxygen contracter concentrator to produce repeatedly the oxygen.

Please amend the sentence on Page 11, lines 21 to 23 as follow:
A smaller amount of the molecular sieve materials is required to produce the concentrated oxygen than in the prior art.

Please amend the sentence on Page 11, line 23 to Page 12, line 2 as follow:

With a smaller amount of the molecular sieve materials is-needed than the prior art, the oxygen concentrator can be fabricated with a compact size to reduce the manufacturing cost and weight of the oxygen concentrator.

In the claims

Claim 1 (currently amended): A rapid cycle pressure swing adsorption oxygen concentration method comprising:

- (a) preparing a mechanical valve comprising at least one cam-actuated flow control valve and a valve actuator having a rotating shaft and a cam corresponding to each respective one of the at least one cam-actuated flow control valve;
- (b) interconnecting the cam with the rotating shaft;
- (c) preparing a sieve tank having at least one molecular sieve bed filled with molecular sieve materials;
- (d) mounting the mechanical valve on the sieve tank to make the at least one cam-actuated flow control valve selectively switch an airflow direction of air for the at least one molecular sieve bed as the at least one cam-actuated flow control valve is actuated;
- (e) rotating the rotating shaft thereby the cam actuates the corresponding one of the at least one cam-actuated flow control valve and makes the corresponding molecular sieve bed switching among an adsorption phase, a balance phase and a desorption phase in a rotation circle of the rotating shaft; and
- (f) separating oxygen from the air incoming into the at least one sieve bed with the adsorption phase, the balance phase and the desorption phase in the at least one sieve bed.

Claim 2. The method as claimed in claim 1, wherein the at least one cam-actuated flow control valve is a 2-position, 2-way air pilot directional flow control valve.

Claim 3 (original): A rapid cycle pressure swing adsorption oxygen concentrator comprising

a sieve tank having

a first molecular sieve bed filled with molecular sieve materials;

a second molecular sieve bed filled with molecular sieve materials; and

an oxygen storage bed communicating with both the first and the second molecular sieve beds and having a concentrated oxygen outlet tubing;

and

a mechanical valve mounted on the sieve tank and comprising

a mounting bracket mounted on the sieve tank and having an inner space, an intake air entrance adapted to connect to a compressed air source and an exhausting exit;

a valve actuator mounted on the mounting bracket and comprising

a motor mounted on the mounting bracket;

a rotating shaft mounted in the inner space of the mounting bracket and being rotated by the motor;

five cams mounted on the rotating shaft and rotated by the rotating shaft; and

five cam-actuated valves mounted in the inner space of the mounting bracket, corresponding respectively to the five cams and comprising a first valve interconnecting the first molecular sieve bed with the exhausting exit, a second valve interconnecting the intake air entrance with the first molecular sieve bed, a third valve interconnecting the first molecular sieve bed with the second molecular sieve bed, a fourth valve interconnecting the intake air entrance with the second molecular sieve bed and a fifth valve interconnecting the second molecular sieve bed with the exhausting exit.

Claim 4 (original): The rapid cycle pressure swing adsorption oxygen concentrator as claimed in claim 3, wherein the motor is a stepper motor.

Claim 5 (original): The rapid cycle pressure swing adsorption oxygen concentrator as claimed in claim 4, wherein each of the cam-actuated flow control valves is a 2-position, 2-way air pilot directional control valve.

Claim 6 (original): The rapid cycle pressure swing adsorption oxygen concentrator as claimed in claim 5, wherein the valve actuator further comprises a covering housing mounted on the mounting bracket to enclose the inner space.

REMARKS

Claims 3 to 6 are retained in this application. Claim 1 has been amended.

The Examiner stated that claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the adsorber and valve structure of Hunter (4,877,429). The Examiner also stated that claims 3 to 6 are allowable.

Responsive to this, claim 1 has been amended. Because the added features to claim 1 are shown in the original specification, no new matter is incurred with the amendment to claim 1.

With the amendment to claim 1, applicant respectfully disagrees with the Examiner because that Hunter does not disclose the feature in the amended claim 1 of this invention. Hunter does not disclose an act of rotating a rotating shaft for actuating one cam-actuated flow control valve and making the molecular sieve bed switching among and alternatively at an adsorption phase, a balance phase and a desorption phase in a rotation circle of the rotating shaft as description in the amended claim 1 of this invention. Hunter neither discloses an act of separating oxygen from the air incoming into the at least one sieve bed with the adsorption phase, the balance phase and the desorption phase in the at least one sieve bed. Accordingly, the amended claim 1 of this invention is not anticipated, taught or suggested by Hunter. Therefore, applicant believes that the rejection to claim 1 has been overcome and the amended claim 1 is allowable. Furthermore, claim 2 dependent on the allowable amended claim 1 is also allowable.

After the amendment to the claims, the anticipation rejections under 35



USC 102(b) are overcome. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

TAI E LAW OFFICE → TAI E
TAI E INTERNATIONAL PATENT & LAW

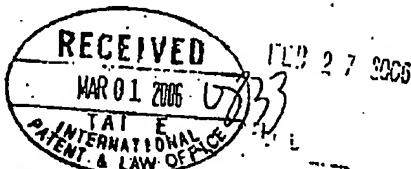
NO. 020
E5708 P.002/011

Tai E International Patent & Law Office

9FL., No. 112, Sec. 2, Chang-An E. Rd., Taipei 104, Taiwan, R.O.C.
P.O.Box 46-478 Taipei 104, Taiwan, R.O.C.
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Fax:886-2-25064319, 25076571, 25090804, 25068147
URL:<http://www.taie.com.tw> E-mail:86026@taie.com.tw

February 27, 2006

TAI E LAW OFFICE PLLC
1000 BRISTOL ROAD
FREDERICKSBURG PIKE
SUITE 104
FREDERICKSBURG, VIRGINIA 22041



Patent Application No. 10/748,291
Applicant: MERITS HEALTH PRODUCTS CO., LTD.
Title: RAPID CYCLE PRESSURE SWING ADSORPTION
OXYGEN CONCENTRATION METHOD AND MECHANICAL
VALVE FOR THE SAME
Ref: BHT-3215-64
Our Ref: CPP-014748

Attachment I.

Dear Sirs,

Thank you for your letter of December 6, 2005 providing us the
information about the referenced patent application.

Our client has decided to file a response against this Office Action
and pay extension fee for one month. Therefore, a draft of the amendment
to the specification and the claims and our comments in response to the
Examiner's assertions are attached for your reference. Please use them as
a guide to prepare and file a suitable response with the USPTO as soon as
possible and do not incur any further extension fee. We would appreciate
you sending us a copy of the response when you file it. Your prompt
attention with the matter will be greatly appreciated.

Should you have any questions concerning the referenced application,
please do not hesitate to contact us.

With best regards,

Sincerely yours,

Yen, Chia-tek J.-Chu Lin

Tai E International
Patent & Law Office

ICL/jn

Tai E International Patent & Law Office

9Fl., No. 112, Sec. 2, Chang-An E. Rd., Taipei 10491, Taiwan, R.O.C.
P.O.Box 46-478, Taipei 10499, Taiwan, R.O.C.
Tel:886-2-25061023, 25081531
Fax:886-2-25064319, 25076571, 25090804, 25068147
URL:<http://www.taie.com.tw> E-mail:86026@taie.com.tw

52707

August 18, 2008

LAW OFFICE PLLC
Burg Pike

Bethesda, Virginia 22041

Patent Application No. 10/748,291
Title : RAPID CYCLE PRESSURE SWING ADSORPTION OXYGEN
CONCENTRATION METHOD AND MECHANICAL VALVE FOR THE

The name of MERITS HEALTH PRODUCTS CO., LTD.

Our Ref : BHT-3215-64

Our Ref : CFP-014748

Sirs,

Your client is anxious to obtain the examination result of this case. Would you please immediately check with the Patent Office concerning this matter and advise us by return fax when the next Office Action can be expected.

Your immediate assistance in this case will be much appreciated.

Sincerely yours,


Fred C. T. Yen
Patent Attorney

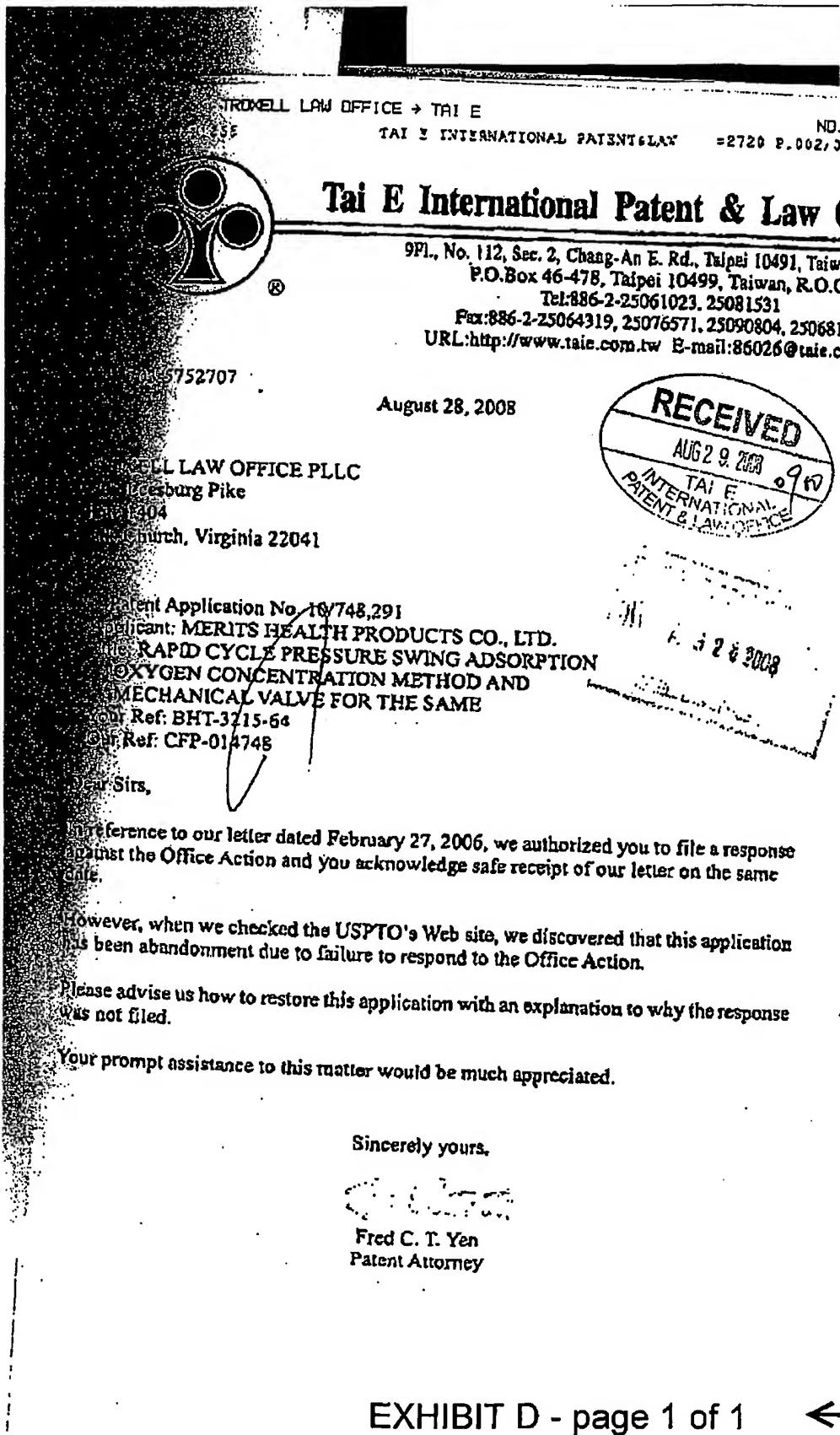
[TY/j]

URGENT ! URGENT ! Reminder !

August 27, 2008

Dear Sirs,

Please reply us today. Thank you.



林慧汝(Servena,CFP)

寄件者: 專利處信箱(patent)

寄件日期: 2008年9月16日星期二 上午 8:37

收件者: 林慧汝(Servena,CFP)

主旨: FW: Patent Application No. 10/748,291 Your Ref: BHT-3215-64 Our Ref:CFP-014748

在途
9/22
11:50
Team

-----Original Message-----

From: TROXELL LAW OFFICE PLLC [mailto:Mall@troxlaw.com]

Sent: Monday, September 15, 2008 7:59 PM

To: patent@tale.com.tw

Subject: RE: Patent Application No. 10/748,291 Your Ref: BHT-3215-64 Our Ref:CFP-014748

已下 - 08/11
T.Y.

We will check on the status and what occurred and get back to you as soon as possible.

Sincerely,

Bruce H. Troxell

From: patent@tale.com.tw [mailto:patent@tale.com.tw]

Sent: Sunday, September 14, 2008 11:10 PM

To: mail@troxlaw.com

Subject: Patent Application No. 10/748,291 Your Ref: BHT-3215-64 Our Ref:CFP-014748

Importance: High

Re: 23
PW

Dear Sirs,

We note we authorize you on February 27, 2006 to file a response against the Office Action. And you acknowledge safe receipt of our letter on the same dated.

However, when we check the U.S. Web site, we find this application had been abandonment for failure to respond to the Office Action.

Please advise us how to rescue this application?

Your prompt assistance to this matter would be much appreciated.

Sincerely yours,

Fred C. T. Yen

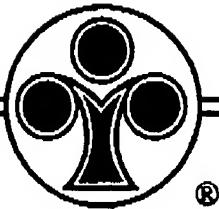
Patent Attorney

Tai E International Patent & Law Office

9F, 112, Section 2, Chang-An East Road Taipei, Taiwan, R.O.C P.O. Box 46-478, Taipei, Taiwan,
R.O.C.

2008/9/16

EXHIBIT E - page 1 of 1 ←



Tai E International Patent & Law Office

9FL., No. 112, Sec. 2, Chang-An E. Rd., Taipei 10491, Taiwan, R.O.C.
 P.O.Box 46-478, Taipei 10499, Taiwan, R.O.C.
 Tel:886-2-25061023, 25081531
 Fax:886-2-25064319, 25076571, 25090804, 25068147
 URL:<http://www.taie.com.tw> E-mail:86026@taie.com.tw

Fax: 503 224 7017

February 18, 2009

patenttm.us
 P.O. Box 82788
 Portland, Oregon 97282-0788
 U.S.A.

Re: Patent Application No. 10/748,291

Applicant: MERITS HEALTH PRODUCTS CO., LTD.

Title: RAPID CYCLE PRESSURE SWING ADSORPTION
 OXYGEN CONCENTRATION METHOD AND
 MECHANICAL VALVE FOR THE SAME

Our Ref: CFP-014748

Dear Sirs,

We appreciate your endeavor and professional assistance with Design Patent Application [REDACTED]

Kindly noted that we have similar situation in Patent Application No. 10/748,291. In February 27, 2006, we authorized TROXELL LAW OFFICE PLLC to file a response against the Office Action and they acknowledge safe receipt of our letter on the same date. However, when we checked the USPTO's Web site on August 18, 2008, we discovered that this application has been abandonment due to failure to respond to the Office Action.

Please be authorized to represent the applicant for further procedures concerning the subject case. Please oversee this case and notify us of the deadline for any Office Action in the future. Please also inform the Patent Office that your office is the address of service and ensure that any further communication will be forward to you.

We enclose herewith a 'power of attorney and correspondence address indication form', 'statement under 37 CFR 3.73(b)' and 'revocation of power of attorney or authorization of agent' signed by the applicant. If any document is required, please advise us immediately.

Please also be authorized to revive this application. We had requested the prior attorney provide all the information to you. You can communicate with them to

EXHIBIT F page 1 of 2

obtain any information or statement. Their correspondences address and phone number is provided below.

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike
Suite 1404
Falls Church, Virginia 22041
U.S.A.
Tel.: 703-5752711
Fax. 703-5752707

Sincerely yours,



Fred C. T. Yen
Patent Attorney

CTY/sc

Please be advised that for improved service and reduced false-positives in use, the following e-mail address has been activated and will be used to send out e-mails for our Foreign Patent and Trademark Department from **March 1, 2009**:

ipdept@taie.com.tw

We thank you in advance for updating your records accordingly. We will also begin phasing out our current address 86026@taie.com.tw.

patenttm.us
PATENT AND TRADEMARK LAW
律师 • 专利律师 • 변호사 • 특허 검사
律師 • 專利律師 • 米國の弁護士 • 弁理士
P.O. BOX 82788 1224 S.E. MALDEN STREET
PORTLAND, OREGON 97282-0788 PORTLAND, OREGON 97202-5936
U.S.A.

JAMES H. WALTERS*
* Registered Patent Attorney
patents@onemain.com
www.patenttm.us

TELEPHONE
(503) 224-0115
FAX
(503) 224-7017

February 19, 2009

FAX 703-575-2707
Troxell Law Office PLLC
5205 Leesburg Pike
Suite 1404
Falls Church, VA 22041



Re: Revival of United States
Patent Application
S. N. 10748291
For RAPID CYCLE PRESSURE SWING ADSORPTION OXYGEN
CONCENTRATION METHOD AND MECHANICAL VALVE FOR THE
SAME (Cheng Chen Bong) MERITS HEALTH PRODUCTS CO.,
LTD.
Tai E International Patent &
Law Office ref: CFP-014748
Our ref: T-1779
Your ref: BHT-3215-64

Dear Mr. Troxell:

We have been requested by Tai E International Patent & Law Office to prepare and file a request for revival of the above application.

To complete the request, we are asking for information from your office so that we might prepare and assemble documents to submit to the Patent Office.

If you could send copies of the documents in your file related to this application, especially those documents after the date of the office action of November 16, 2005, I would be grateful.

Please let us know if you have any questions or if you need additional information. Thank you.

Very truly yours,

James H. Walters

JHW/tlw

Ps - I will be out of the office February 20, 2009

EXHIBIT G

 *** FAX TX REPORT ***

TRANSMISSION OK

| | |
|---------------------|-------------|
| JOB NO. | 3086 |
| DESTINATION ADDRESS | 17035752707 |
| PSWD/SUBADDRESS | |
| DESTINATION ID | |
| ST. TIME | 02/19 21:05 |
| USAGE T | 00' 25 |
| PGS. | 1 |
| RESULT | OK |

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PATENT AND TRADEMARK LAW

专利代理人 • 律师 • 律师 • 律师
 专利代理人 • 律师 • 律师 • 律师
 P.O. BOX 82788 1224 S.E. MALDEN STREET
 PORTLAND, OREGON 97202-0788 PORTLAND, OREGON 97202-5956

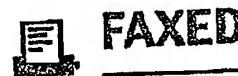
U.S.A.

JAMES H. WALTERS*
 *Registered Patent Attorney
 patentm@oneemail.com
 www.patenttm.us

TELEPHONE
 (503) 224-0115
 FAX
 (503) 224-7017

February 19, 2009

FAX 703-575-2707
 Troxell Law Office PLLC
 5205 Leesburg Pike
 Suite 1404
 Falls Church, VA 22041



Re: Revival of United States
 Patent Application
 S. N. 10748291
 For RAPID CYCLE PRESSURE SWING ADSORPTION OXYGEN
 CONCENTRATION METHOD AND MECHANICAL VALVE FOR THE
 SAME (Cheng Chen Bong) MERITS HEALTH PRODUCTS CO.,
 LTD.
 Tai E International Patent &
 Law Office ref: CFP-014748
 Our ref: T-1779
 Your ref: BHT-3215-64

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Please let us know if you have any questions or if you need additional information. Thank you.

Very truly yours,

EXHIBIT H

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PATENT AND TRADEMARK LAW

律师 • 专利律师 • 변호사 • 특허 검사
律師 • 專利律師 • 米国の弁護士 • 弁理士
P.O. BOX 82788 1224 S.E. MALDEN STREET
PORTLAND, OREGON 97282-0788 PORTLAND, OREGON 97202-5936
U.S.A.

JAMES H. WALTERS*
* Registered Patent Attorney
patents@onemain.com
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TELEPHONE
(503) 224-0115
FAX
(503) 224-7017

March 4, 2009

FAX 703-575-2707
Troxell Law Office PLLC
5205 Leesburg Pike
Suite 1404
Falls Church, VA 22041



Re: Revival of United States
Patent Application
S. N. 10748291
For RAPID CYCLE PRESSURE SWING ADSORPTION OXYGEN
CONCENTRATION METHOD AND MECHANICAL VALVE FOR THE
SAME (Cheng Chen Bong) MERITS HEALTH PRODUCTS CO.,
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Tai E International Patent &
Law Office ref: CFP-014748
Our ref: T-1779
Your ref: BHT-3215-64

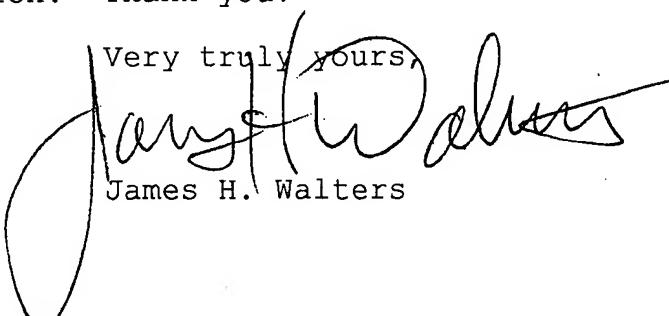
Dear Mr. Troxell:

I wonder if you could update me as to the status of obtaining copies of the documents in your file related to this application, especially those documents after the date of the office action of November 16, 2005, I would be grateful.

My concern is that the timing of filing the petition to revive may be critical to it being considered favorably by the U.S. Patent and Trademark Office, so your early reply would be helpful.

Please let us know if you have any questions or if you need additional information. Thank you.

Very truly yours,


James H. Walters

JHW/tlw

EXHIBIT I

Subject: Your ref: BHT-3215-64 (Our T-1779)
From: James Walters <patenttmus@gmail.com>
Date: Fri, 06 Mar 2009 15:05:15 -0800
To: bhtroxell@troxlaw.com

Re: Revival of United States
Patent Application
S. N. 10748291
For RAPID CYCLE PRESSURE SWING ADSORPTION OXYGEN CONCENTRATION METHOD AND
MECHANICAL VALVE FOR THE SAME (Cheng Chen Bong) MERITS HEALTH PRODUCTS CO., LTD.

Tai E International Patent &
Law Office ref: CFP-014748
Our ref: T-1779
Your ref: BHT-3215-64

Dear Mr. Troxell:

I have been unable to transmit a fax to you this week and wonder if you could confirm receipt of this email.

I am inquiring for an update me as to the status of obtaining copies of the documents in your file related to this application, especially those documents after the date of the office action of November 16, 2005, as mentioned in my fax of February 19, 2009 (copy attached).

My concern is that the timing of filing the petition to revive may be critical to it being considered favorably by the U.S. Patent and Trademark Office, so your early reply would be helpful.

Please let us know if you will be able to assist in providing this information.

Thank you.

Very truly yours,

James Walters

--

ip@patenttm.us

James H. Walters, Patent & Trademark Attorney,
patenttm.us Patent and Trademark Matters 1224 S.E. Malden Street, Portland,
Oregon 97202-5936 US
P.O. Box 82788, Portland, Oregon 97282-0788
(503) 224-0115 (voice) (503) 224-7017 (fax)

www.patenttm.us

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| t1779faxout021909.pdf | Content-Type: application/pdf Content-Encoding: base64 |
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EXHIBIT J page 1 of 2

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律師 • 專利律師 • 米國的弁護士 • 弁理士
P.O. BOX 82788 1224 S.E. MALDEN STREET
PORTLAND, OREGON 97282-0788 PORTLAND, OREGON 97202-5936

U.S.A.

JAMES H. WALTERS*
Registered Patent Attorney
patents@onemain.com
www.patenttm.us

TELEPHONE
(503) 224-0115
FAX
(503) 224-7017

February 19, 2009

FAX 703-575-2707
Troxell Law Office PLLC
5205 Leesburg Pike
Suite 1404
Falls Church, VA 22041

 **FAXED**

Re: Revival of United States
Patent Application
S. N. 10748291
For RAPID CYCLE PRESSURE SWING ADSORPTION OXYGEN
CONCENTRATION METHOD AND MECHANICAL VALVE FOR THE
SAME (Cheng Chen Bong) MERITS HEALTH PRODUCTS CO.,
LTD.
Tai E International Patent &
Law Office ref: CFP-014748
Our ref: T-1779
Your ref: BHT-3215-64

Dear Mr. Troxell:

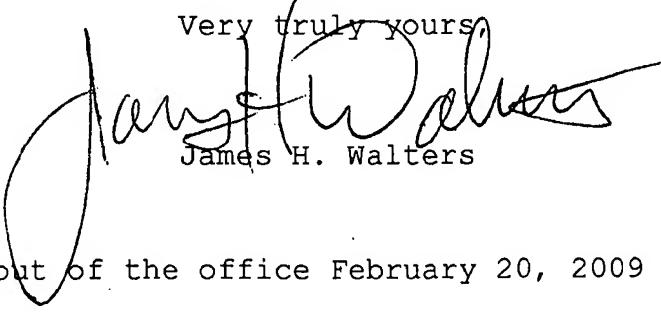
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the office action of November 16, 2005, I would be grateful.

Please let us know if you have any questions or if you need
additional information. Thank you.

Very truly yours,


James H. Walters

JHW/tlw

Ps - I will be out of the office February 20, 2009

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P.O. BOX 82788 1224 S.E. MALDEN STREET
PORTLAND, OREGON 97282-0788 PORTLAND, OREGON 97202-5936

U.S.A.

JAMES H. WALTERS*
*Registered Patent Attorney
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(503) 224-0115
FAX
(503) 224-7017

March 6, 2009

Troxell Law Office PLLC
5205 Leesburg Pike
Suite 1404
Falls Church, VA 22041

Re: Revival of United States
Patent Application
S. N. 10748291
For RAPID CYCLE PRESSURE SWING ADSORPTION OXYGEN
CONCENTRATION METHOD AND MECHANICAL VALVE FOR THE
SAME (Cheng Chen Bong) MERITS HEALTH PRODUCTS CO.,
LTD.
Tai E International Patent &
Law Office ref: CFP-014748
Our ref: T-1779
Your ref: BHT-3215-64

Dear Mr. Troxell:

My attempts to fax you this week have not been successful.
Calls to your fax number went unanswered.

I wonder if you could update me as to the status of obtaining
copies of the documents in your file related to this application,
especially those documents after the date of the office action of
November 16, 2005, I would be grateful.

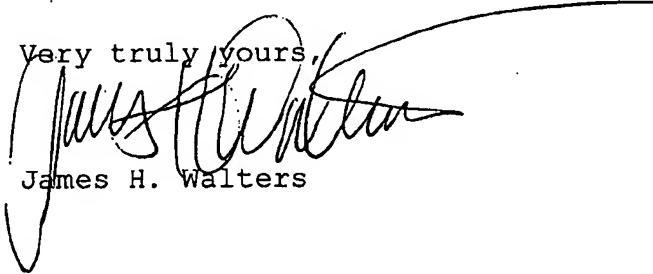
My concern is that the timing of filing the petition to revive
may be critical to it being considered favorably by the U.S. Patent
and Trademark Office, so your early reply would be helpful.

Please let us know if you have any questions or if you need
additional information.

Please let us know if you will be able to answer our request.

Thank you.

Very truly yours,


James H. Walters

JHW/tlw

EXHIBIT K

U.S. Postal Service™ Delivery Confirmation™ Receipt

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

Troy at Law Office

Falls Church, VA

DELIVERY CONFIRMATION NUMBER:
0308 0002 0801 0659



PS Form 152, May 2002

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(See Reverse)

EXHIBIT L

Subject: USPS Shipment Info for 0308 2040 0002 0801 0659
From: "U.S._Postal_Service_"<U.S._Postal_Service@usps.com>
Date: Tue, 10 Mar 2009 17:13:57 -0500 (CDT)
To: info@patenttm.us

This is a post-only message. Please do not respond.

James Walters has requested that you receive a Track & Confirm update, as shown below.

Track & Confirm e-mail update information provided by the U.S. Postal Service.

Label Number: 0308 2040 0002 0801 0659

Service Type: Priority Mail Delivery Confirmation

| Shipment Activity | Location | Date & Time |
|--------------------------------------|-----------------------|------------------|
| Undeliverable as Addressed 8:42am | FALLS CHURCH VA 22041 | 03/10/09 |
| Undeliverable as Arrival at Unit | FALLS CHURCH VA 22041 | 03/10/09 6:54am |
| Processed | WASHINGTON DC 20074 | 03/08/09 3:33pm |
| Processed | PORLAND OR 97218 | 03/07/09 12:23am |
| Acceptance | PORLAND OR 97202 | 03/06/09 5:52pm |

Reminder: Track & Confirm by email

Date of email request: 03/10/09

Future activity will continue to be emailed for up to 2 weeks from the Date of Request shown above. If you need to initiate the Track & Confirm by email process again at the end of the 2 weeks, please do so at the USPS Track & Confirm web site at <http://www.usps.com/shipping/trackandconfirm.htm>

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at
<http://www.usps.com/shipping/trackandconfirmfaqs.htm>

EXHIBIT M

Subject: USPS Shipment Info for 0308 2040 0002 0801 0659
From: "U.S._Postal_Service_"<U.S._Postal_Service@usps.com>
Date: Fri, 13 Mar 2009 09:24:47 -0500 (CDT)
To: info@patenttm.us

This is a post-only message. Please do not respond.

James Walters has requested that you receive a Track & Confirm update, as shown below.

Track & Confirm e-mail update information provided by the U.S. Postal Service.

Label Number: 0308 2040 0002 0801 0659

Service Type: Priority Mail Delivery Confirmation

| Shipment Activity | Location | Date & Time |
|--------------------------------------|-----------------------|------------------|
| Delivered | ANNANDALE VA 22003 | 03/13/09 9:36am |
| Undeliverable as Addressed 8:42am | FALLS CHURCH VA 22041 | 03/10/09 |
| Undeliverable as | | |
| Arrival at Unit | FALLS CHURCH VA 22041 | 03/10/09 6:54am |
| Processed | 20199 | 03/10/09 1:14am |
| Processed | WASHINGTON DC 20074 | 03/08/09 3:33pm |
| Processed | PORLAND OR 97218 | 03/07/09 12:23am |
| Acceptance | PORLAND OR 97202 | 03/06/09 5:52pm |

Reminder: Track & Confirm by email

Date of email request: 03/10/09

Future activity will continue to be emailed for up to 2 weeks from the Date of Request shown above. If you need to initiate the Track & Confirm by email process again at the end of the 2 weeks, please do so at the USPS Track & Confirm web site at <http://www.usps.com/shipping/trackandconfirm.htm>

USPS has not verified the validity of any email addresses submitted via its online Track & Confirm tool.

For more information, or if you have additional questions on Track & Confirm services and features, please visit the Frequently Asked Questions (FAQs) section of our Track & Confirm site at <http://www.usps.com/shipping/trackandconfirmfaqs.htm>

EXHIBIT N



United States Patent and Trademark Office

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Boards & Counsel > OED > Patent Attorney/Agent Search > Search Results > Detailed Information

| | |
|-----------------------------|-----------------------------|
| Last Name | Troxell |
| First Name | Bruce |
| Middle Name | H |
| Suffix | |
| Firm Name | Troxell Law Office PLLC |
| Address | 5205 Leesburg Pike Ste 1404 |
| City | Falls Church |
| State/Province | VA |
| Postal Code | 22041 |
| Country | US |
| Primary Telephone | (703) 575-2711 |
| Registration Number | 26592 |
| Attorney/Agent | ATTORNEY |
| Date Registered as Agent | 03/13/1973 |
| Date Registered as Attorney | 07/02/1974 |

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Last Modified: 03/25/2009 EST

EXHIBIT O